

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

v.

YUVAL JACOB ORAN,  
Defendant.

NO. CR-10-6004-EFS

**ORDER REGARDING MATERIAL  
WITNESS DEPOSITIONS**

As the Court set forth in its February 3, 2010 Order Ruling on Material Witnesses (Ct. Rec. [309](#)), the Court has been considering whether exceptional circumstances exist and justice warrants deposing the material witnesses, pursuant to the Government's oral motion under Federal Rule of Criminal Procedure 15(a)(1). Upon review of the declarations submitted thus far by the material witnesses and Defendant's objections thereto, the Court is fully informed.<sup>1</sup>

The Court concludes depositions of Alina Alenberg, Alona Govrin, Shely Kishon, Omer Pikelney, Doron Serry, and Lior Shvartz are

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<sup>1</sup> If a material witness wishes for the Court to consider a deposition of such witness pursuant to the Government's motion, the material witness must file a declaration.

1 appropriate under Rule 15(a)(1). These individuals are experiencing  
2 financial difficulties; they are without the financial resources to  
3 remain in the United States without working, which they are unable to do.  
4 In addition, Ms. Alenberg, Alona Govrin, and Doron Serry are at risk of  
5 losing their employment in Israel. These depositions will be governed by  
6 Rule 15 and are to be videotaped. Defendant, defense counsel, counsel for  
7 the to-be-deposed material witness, Government counsel, and the assigned  
8 case agent shall be present. Defendant has the right to cross-examine the  
9 witness and objections are to be made on the record. Fed. R. Crim. P.  
10 15(g); *see Torres-Ruiz v. U.S. Dist. Ct. for the S. Dist. of Cal.*, 120  
11 F.3d 933, 935-36 (9th Cir. 1997). The Court encourages use of the  
12 courtroom if available. Furthermore, unless Rule 15 provides otherwise,  
13 the depositions are to be taken and filed consistent with Federal Rule  
14 of Civil Procedure 30; the material witness must review the transcript  
15 and sign under oath the deposition transcript.

16 At this time, the Court denies a deposition of Yael Oran because she  
17 has family that she can live with in the United States. If Ms. Oran  
18 requires medical attention, which she is unable to obtain in the United  
19 States, for her knee before the March 22, 2010 trial, she may file a new  
20 declaration.

21 Accordingly, **IT IS HEREBY ORDERED:**

22 1. The Government's oral motion for deposition is **GRANTED IN PART**.  
23 Material witnesses Alina Alenberg, Alona Govrin, Shely Kishon, Omer  
24 Pikelney, Doron Serry, and Lior Shvartz may be deposed.

25 2. Material witness Lior Shvartz' Motion to Take Deposition (**Ct.**  
26 **Rec. 311**) is **DENIED**. Because Mr. Shvartz is a material witness and not

1 a party, he may not move for relief under Federal Rule of Criminal  
2 Procedure 15(a)(2). See Ct. Rec. [309](#). Mr. Shvartz may be deposed under  
3 Rule 15(a)(1) pursuant to the Government's oral motion.

4 3. Material witness Yael Oran's Motion to Modify Conditions of  
5 Release to Allow Travel to California (**Ct. Rec. [248](#)**) is **DENIED**. This  
6 request may be renewed if the U.S. Probation Officer denies her request  
7 to travel following the removal of the ICE travel restriction.

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
9 this Order and to provide copies to all counsel, and the U.S. Probation  
10 Office.

11 **DATED** this 5th day of February 2010.

12  
13 s/Edward F. Shea  
14 EDWARD F. SHEA  
United States District Judge

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